

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CHRIS NANNY,

Petitioner,

:

Case No. 3:12-cv-172

- v -

**District Judge Timothy S. Black
Magistrate Judge Michael R. Merz**

SHERIFF JAMIE KINMAN,

Respondent.

:

ORDER

Petitioner Jamie Kinman who is incarcerated in the Montgomery County Jail on a charge of aggravated burglary (Case No. 2012-CRA-4019), brings this action in mandamus and prohibition under 28 U.S.C. § 1651 against Respondent Jamie Kinman, Sheriff of Carrollton, Kentucky (Petition, Doc. No. 1). Petitioner fears extradition to Kentucky because he asserts Respondent has made repeated threats to shoot him over a botched drug transaction. As the Court reads the Petition, Kinman's grievance against Nanny is that Kinman provided Nanny with \$150 of buy money for a drug sting and Nanny absconded to Ohio with the buy money. Petitioner alleges the threats violated 42 U.S.C. § 1982 and 18 U.S.C. § 242. As relief, Petitioner requests this Court order that "a full investigation be conducted into the complaint attested to."

For undisclosed reasons, Petitioner filed this matter with the Clerk at the Columbus location of court and it was transferred here by Magistrate Judge Deavers (Doc. No. 2). Judge

Deavers read the Petition as an attempt to avoid extradition. *Id.* If that is Petitioner's purpose, then this Court would be a more proper venue than Columbus, because Petitioner is in custody here. However, he has not named as a defendant his custodian, the Montgomery County Sheriff, or any Ohio official who would be in a position to determine whether or not he will be extradited (for example, the assigned Ohio judge or the Governor of the State of Ohio).

If instead he is seeking injunctive relief against Sheriff Kinman, this would also appear to be the appropriate venue if Sheriff Kinman made the threats to Petitioner's relatives with the intention that they be communicated to Petitioner in this judicial district.

As it stands, however, that is not what Petitioner has requested. Instead, he asks this Court to order an investigation, which is not within the Court's power. Investigation of death threats communicated interstate would be within the authority of the Federal Bureau of Investigation and Petitioner should communicate directly with them.

Petitioner must file an amended petition stating what relief it is he wants. If he seeks to have his extradition enjoined, he must add as a party the relevant Ohio officials.

In any event, this case cannot proceed without Petitioner's paying the filing fee of \$350 or obtaining permission from this Court to proceed *in forma pauperis*. Because Petitioner is a prisoner within the meaning of the Prison Litigation Reform Act, he must pay the full filing fee, albeit in installments under the PLRA.

Accordingly, it is hereby ORDERED that the Clerk furnish Petitioner with the appropriate forms for applying under the PLRA to proceed *in forma pauperis*. Petitioner shall complete those forms and return them to the Clerk with an amended petition containing the information noted in this Order not later than June 20, 2012. Petitioner is strongly encouraged to

discuss his concerns raised in the Petition with his counsel in the aggravated burglary case.
June 9, 2012.

s/ **Michael R. Merz**

United States Magistrate Judge